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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,879	08/14/2001	Jason M. Rudman	40655.5200	8695

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EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/929,879	Applicant(s) RUDMAN ET AL.	
	Examiner Harish T Dass	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 20 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 17 and 19. See MPEP § 608.01(n). Accordingly, the claim 40 not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk (US 6,119,107).

Re. Claim 1, Polk discloses issuing a funding request from a third-party reconciler to a second-party employer, said third-party reconciler comprising a computer-based data processing system and said second-party employer offering [see entire document particularly, abstract; Figure 14I C1 L21-L38; C5 L12-L26; C6 L39-L49], receipt of said funds by said third-party reconciler from said second-party employer [C3 L1-L27; C5 L8-

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L27], and transferring said received funds from said third-party reconciler to a servicer of at least one of said first-party's consumer debt accounts [C3 L1-L27; C5 L8-L27]. Polk does not explicitly disclose as a benefit of employment, at least partial payment of at least one of said first-party's consumer debt accounts. However, partial payments by employer is well known such as: insurance payment, or 401k to provide part of employee's insurance and pension to help him/her under employee benefit plan. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Polk and include employee partial benefit to help employee financially.

Re. Claim 2, Polk discloses wherein said first-party is at least one of a full-time employee [C1 L27; C4 L60-L66].

Re. Claims 11-12, Polk discloses wherein said funding request is an electronic transaction and wherein said third-party transferal of funds is accomplished by an electronic transaction (EFT) [Abstract].

Re. Claims 13-14, Polk does not explicitly disclose wherein said third-party transferal of funds comprises a batch funding transaction for at least a plurality of first-parties to a single servicer and wherein said third-party transferal of funds comprises a batch

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funding transaction for at least a plurality of first-parties to at least a plurality of servicers. However batch transfer of funds are well know to not send the funds one by one rather at the end of the day transmit all the transactions at one time, for example, banks transmit the funds at mid-night to clear them. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Polk and include batch transfer to save computer time.

Re. Claims 15-16, Polk discloses wherein said third-party reconciler notifies said first-party of reconciled payment of at least one of said first-party's consumer debt accounts and wherein said third-party reconciler notifies said second-party employer of reconciled payment of at least one of said first-party's consumer debt accounts. [Abstract; C3 L1-L40].

Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk in view of Julie Baxter, Fort Collins Coloradoan, March 14, 1999.

Re. Claims 17-19, Polk discloses issuing a funding request, by a third-party reconciler to said second-party employer, wherein said third-party reconciler comprises a computer-based data processing system, receiving said funds, by said third-party reconciler from said second-party employer, and transferring, by said third-party reconciler, said received funds to a servicer of at least one of said first-party's consumer debt accounts

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[see claim 1 above]. Polk does not explicitly disclose communicating an offer from a second-party to a first-party, said first-party having at least one consumer debt account with an outstanding balance and wherein said communicated offer is based upon at least partial payment of at least one of said first-party's consumer debt accounts as a benefit of employment, and wherein said first-party is a prospective student intern, said second party is an employer and said consumer debt is an academic loan obligation, and wherein said second-party employer issues at least a plurality of said payments in at least partial satisfaction of at least one of said first-party's consumer debt obligations. However, Julie Baxter discloses these steps to provide grants and forgiveness loans as incentive to pursue teaching career. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Polk and Baxter to provide incentive to get teaches.

Re. Claim 20, neither Polk nor Baxter disclose wherein said plurality of payments occurs on a chronometric basis selected from the group consisting of hourly, daily, weekly, bi-weekly, monthly, semi-monthly, quarterly, semi-quarterly, annually, semi-annually, bi-annually, regularly, randomly and any combination thereof. However, this step is known, for example, employer makes payment to insurance periodically to better manage its own financial situation.

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Re. Claims 21-22, these claims substantially have the same limitations of above claim 17, therefore they are rejected with same rationale as claim 71.

Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polk as applied to claim 1 above, and further in view of Perrell et al (hereinafter Perrell – US 6,658,400).

Re. Claims 3-4, 6-8, Polk discloses wherein said data processing system includes a matching engine [C10 L5-L37]. Polk does not explicitly disclose correlating a candidate first-party with said second-party employer, and wherein said matching engine is accessed, by means of a data network communications link by said candidate first-party looking for employment opportunities and a second-party employer offering employment opportunities, and wherein said matching engine is accessed with a graphic user interface. However, Perrell discloses these steps and wherein said graphics user interface comprises a WebPages, and internet [Abstract; Figures 1-3; C10 L110-L24; C1 L8-L47] to provide multiple party data attribute management system for controlled exchanged of data for job seekers. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Polk and include online based system to correlating a candidate first-party with said second-party employer for efficient and affordable system for both job seekers and employers.

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Re. Claim 5, neither Polk nor Perell explicitly disclose wherein the data traffic protocol of said data network communications link is at least one of an HTTP session, an HTTPS session, an ASP session, a DHTML session, an XML session, a CGI session, an ActiveX session, a Javascript session, a Visual Basic script session, a telnet session, an FTP session, and a gopher session. However, internet communication and Webpages inherent these steps.

Re. Claims 9-10, Perell further discloses wherein said data processing system includes a database for storing information specific to said first-party, and wherein said data processing system includes a database for storing information specific to said second-party employer [C2 L54 to C3 L3] to maintain the records of particular job seekers and the employer for future use. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Polk and Perell to provide employment management database for future use.

Conclusion

Claims 1-22 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

Harish T Dass

5/2/05